

1982 WL 189477 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 1, 1982

\*1 Mrs. Barbara A. McMillian  
Director  
Contracts and Audit Management  
Materials Management Office  
Budget & Control Board  
Division of General Services  
800 Dutch Square Boulevard-Suite 150  
Columbia, South Carolina 29210

Dear Barbara:

You have asked that this office advise you as to whether the University of South Carolina may enter a term contract for the purchase of personal computers. The contract would provide for the purchase of the computers for the university's own use and would allow other agencies' to buy equipment under the contract by means of a 'piggyback provision.' We concur with you that these provisions in the contract are not prohibited by state law, specifically the new consolidated procurement code. Your additional question is whether the contract may also provide for the university's resale of the computers to students. According to the information provided to this office, computers would be sold only to those students who certify that they are students and that the equipment is required for their courses. The price fixed for the students would be cost plus the reasonable expenses of handling.

Provisions in the contract in accordance with these plans for resale are not barred by the Procurement Code ([§ 11-35-10 et seq. of the Code of Laws of South Carolina \(1976\)](#), as amended) or other provisions of state law. Because the resale will be non-profit and will be restricted to students required to use the computers for coursework, the university's purchase of the equipment for this purpose appears to be a permissible public use of public funds.

If our office may be of further assistance, please contact us.

Yours very truly,

Frank K. Sloan  
Deputy Attorney General

1982 WL 189477 (S.C.A.G.)

---

End of Document

© 2015 Thomson Reuters. No claim to original U.S. Government Works.